IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 17177

DECLARATION AND POWER OF ATTORNEY

ADEMAN As a below named inventor, I hereby declare, of my own knowledge or on information and belief, that:

My residence, post office address and country of citizenship are as stated below next to my name;

I am the original, first and sole inventor, if only one inventor is identified below, or an original, first and joint inventor, if more than one inventor is identified below, of the subject matter which is claimed and for which a patent is sought and which is entitled:

AN NxM OPTICAL SWITCH HAVING A SIMPLIFIED ALIGNMENT MEANS Title of the Invention

and which is described and claimed:

	in the attached application including specification and claims if this line is marked,
* 4	or
_x	in the original specification and claims filed
• •	on December 18, 1998 as U.S. Patent Application
· / · · · · · · · · · ·	Number 09/215,440 or PCT International
	Application Number
and the second s	

I have reviewed and understand the contents of the specification and the claims;

I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR §1.56(a). The text of 37 CFR §1.56(a) states,

"A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all

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information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Provisional Application No.: 60/070,205 Filing Date: December 31, 1997

This application is a continuation pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

	Serial Filing				Status:				
USC :	This ap §120 of tified a	each p	rior app	continua lication	tion-in- (if any	part is id	pursuant entified)	to	35
	Serial Filing				Status:		_		
				to discl					

and I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority, pursuant to 35 USC §119(a)-(d) of an application for patent or inventor's certificate, and identify below said application (if any is identified) and any such foreign application (if any is identified) having a filing date before that of the application on which foreign priority is claimed;

Applicat	ion No:	Country:	
Filing D	ate:	· -	

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and I am warned that willful false statements and the like are punishable by fine or

DECLARATION

imprisonment, or both, (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Jay L. Seitchik (Registration No. 22779), Gerald K. Kita (Registration No. 24125), Katherine A. Nelson (Registration No. 30666), Anton P. Ness (Registration No. 28453), Bruce J. Wolstoncroft (Registration No. 32075), Driscoll A. Nina, Jr. (Registration No. 34685), Robert J. Kapalka (Registration No. 34198), June B. Schuette (Registration No. 37928), William S. Francos (Registration No. 38456), Salvatore Anastasi (Registration No. 39090), Mary K. VanAtten (Registration No. 39408), and Bradley N. Ditty (Registration No. 40994) whose post office address is: The Whitaker Corporation, 4550 New Linden Hill Road, Suite 450, Wilmington, DE 19808, or their duly appointed associate, my attorneys or agents with full powers of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Direct all correspondence to the address:

The Whitaker Corporation
4550 New Linden Hill Road
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USA / 176 44TH Avenue, San Mateo, CA 94403

Citizenship / Residence

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Terence Mason Ward Full Name of Second Inventor (If Any) Inventor's Signature

Date

Date

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1371 Springhouse Road, Middletown, PA 17057 Post Office Address

David Kenneth Lucas
Full Name of Third Inventor (If Any) Inventor's Signature Date

USA / 1623 Princeton Road, Altoona, PA 16602 Citizenship / Residence

1623 Princeton Road, Altoona, PA 16602 Post Office Address

DECLARATION

information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

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	each p	orior appi		pursuant dentified)	35

U.S.	Serial	No: _		
U.S.	Filing	Date:	 Status:	

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Application No:	Country:	_
Filing Date:		

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DECLARATION TWC REV. 01/96

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AN NxM OPTICAL SWITCH HAVING A SIMPLIFIED ALIGNMENT MEANS Title of the Invention

and which is described and claimed:

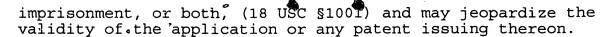
	in the attached application including
	specification and claims if this line is marked,
	or
_X	in the original specification and claims filed
	on <u>December 18, 1998</u> as U.S. Patent Application
	Number <u>09/215,440</u> or PCT International
	Application Number

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Direct all correspondence to the address:

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DECLARATION TWC REV. 01/96

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